

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF PENNSYLVANIA**

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Bobbi Bockoras,		:
		:
Plaintiff,		:
		:
– against –		:
		:
Saint-Gobain Containers, Inc.,		:
d/b/a Verallia North America		:
		:
Defendant.		:
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**DECLARATION OF COURTNEY M. DANKWORTH  
IN SUPPORT OF PLAINTIFF’S MOTION TO ALLOCATE THE  
COSTS OF MEDIATION TO DEFENDANT**

I, COURTNEY M. DANKWORTH, declare under penalty of perjury that the foregoing is true and correct:

1. I am associated with the law firm Debevoise & Plimpton LLP and I represent Bobbi Bockoras, the Plaintiff in the above-captioned case.
2. Attached as Exhibit A to this declaration is a true and correct copy of a portion of the transcript of the motion hearing held in this Court on February 3, 2014.
3. In the Stipulation Selecting ADR Process filed in this action on January 10, 2014, Plaintiff and Defendant were unable to agree on the allocation of the costs of the mediator’s services, notwithstanding negotiation.
4. On Plaintiff’s behalf, I proposed court-sponsored non-binding arbitration as the ADR process.

5. Plaintiff's preference for court-sponsored non-binding arbitration is owed predominantly to the court's payment of costs for that process in accordance with 28 U.S.C. § 658.

6. In response, Defendant's counsel indicated Defendant's preference for private mediation.

7. I indicated that Plaintiff would be willing to agree to private mediation, provided that Defendant pay the costs of private mediation.

8. Defendant did not agree to pay the mediation costs in full.

Executed on March 13, 2014

/s/ Courtney M. Dankworth  
Courtney M. Dankworth  
*Counsel to Bobbi Bockoras*

# EXHIBIT A

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

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BOBBI BOCKORAS,

PLAINTIFF

VS.

CIVIL ACTION NO. 13-334

SAINT-GOBAIN CONTAINERS, INC.,

DEFENDANT

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PROCEEDINGS

Transcript of HEARING ON MOTIONS, commencing on MONDAY,  
FEBRUARY 3, 2014, 1:00 P.M., in the United States District  
Court, Sixth Floor, U. S. Post Office and Courthouse Building,  
Pittsburgh, Pennsylvania, before the HONORABLE MARK R. HORNAK,  
UNITED STATES DISTRICT COURT JUDGE.

APPEARANCES:

For the Plaintiff: By: Courtney Dankworth, Esquire  
Debevoise & Plimpton  
919 third Avenue  
New York, New York 10022

Galen Sherwin, Esquire  
American Civil Liberties Union  
125 Broad Street, 18th Floor  
New York, New York 10004

For the Defendant: By: D. Rusty Denton, Esquire  
Bingham Greenebaum Doll  
10 West Market Street  
2700 Market Tower  
Indianapolis, Indiana 46204

Catherine Ryan, Esquire  
Reed Smith  
Reed Smith Centre  
225 Fifth Avenue  
Pittsburgh, Pennsylvania 15222

1           THE COURT: Okay. Mr. Denton and Ms. Ryan,  
2 obviously, you haven't seen it, yet. You're not Kreskin.  
3 You're not mind readers. But do you anticipate, and reserving  
4 whatever defenses you're going to have to whatever an amended  
5 complaint would look like, are you going to oppose the act of  
6 amending?

7           MR. DENTON: No, Your Honor. Although, -- no.

8           THE COURT: Okay. So, Ms. Dankworth, when you do an  
9 amended complaint, what I would ask is that you do an entire  
10 pleading. If you could, file your motion. If Mr. Denton,  
11 send it to Mr. Denton first. If Mr. Denton and Ms. Ryan do  
12 not oppose the act of amending, then we're all set.

13           You can simply note in the motion that you have  
14 conferred with counsel for defendant and they consent. We'll  
15 grant it. And I'm told the way the Clerk's Office works here,  
16 you attach to it your motion. And if I grant the motion, then  
17 it's automatically filed.

18           Mr. Denton and Ms. Ryan, for reasons, I wasn't there  
19 when they wrote Rule 15, I think the period for responding to  
20 amended complaints is a bit shorter than I would have put in  
21 the rule. Assuming that there's an amended complaint that  
22 comes in, how long would you like to respond to that amended  
23 complaint?

24           MR. DENTON: Depends on what the complaint says.

25           THE COURT: Assume it's something like what you've

1 heard?

2 MR. DENTON: There is, there is, there was a legal  
3 issue that needs to be addressed. I just don't want to hide  
4 it from you. It's not entirely clear whether, as a matter of  
5 law, lactation is a medical condition in the Pregnancy  
6 Discrimination Act.

7 THE COURT: We'll have to sort that out.

8 MR. DENTON: We'll have to sort that out.

9 THE COURT: You want thirty days?

10 MR. DENTON: That would be good, Your Honor.  
11 Appreciate it.

12 THE COURT: So, what we'll do is if we grant the  
13 motion to amend, and it sounds like I will because it's not  
14 going to be opposed, we'll also put in the order, Mr. Parsons,  
15 that the defendant will have thirty days to file whatever  
16 response under Rule 12(a) or (b) they think is appropriate.

17 Ms. Dankworth, if you could also do the Court and  
18 the process a favor, when you send the draft amended complaint  
19 over to Mr. Denton and Ms. Ryan, could you send them a red  
20 line copy, also, so that they don't have to play Where's Waldo  
21 with what's new, because it's a lengthy document. If we were  
22 talking about going from eighteen paragraphs to twenty-six,  
23 I wouldn't ask to you do that. But if you could do that, it  
24 would probably smooth things out quite a bit.

25 If you want to have a copy of the red line version